

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 011
Denver, Colorado 80203-1716
303-866-3521
lcs.ga@coleg.gov



Ed DeCecco, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
1375 Sherman St., Suite 300
Denver, Colorado 80203
303-866-2045
olls.ga@coleg.gov

MEMORANDUM

To: Suzanne Taheri and Elizabeth Caven

From: Legislative Council Staff and Office of Legislative Legal Services

Date: March 4, 2026

Subject: Proposed initiative measure 2025-2026 #253, concerning Congressional Redistricting

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council Staff and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

This proposed initiative **2025-2026 #253** was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives **2025-2026 #251** through **#256**. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the memoranda for proposed initiatives **2025-2026 #251, #252, #254, #255, and #256** except as necessary to fully understand proposed initiative **2025-2026 #253**. Comments

and questions addressed in those memoranda may also be relevant, and those questions and comments are considered part of this memorandum.

Purposes

The major purposes of the proposed amendment to the Colorado Constitution appear to be to:

1. Upon the adoption and approval of a final congressional redistricting plan in a redistricting year following the federal decennial census, prohibit the modification of the plan for the 2028 election or election thereafter except with the approval of the independent congressional redistricting commission (congressional commission) and adoption by the Colorado supreme court; and
2. Prohibit the congressional commission from adopting a modified congressional district plan that has the effect of gerrymandering or dividing communities of interest to favor any political party.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Article V, section 1 (4)(a) of the Colorado Constitution requires that when the majority of voters approve an initiative, the initiative is effective on and after the date of the official declaration of the vote and proclamation of the governor.

Because the proposed initiative does not contain an effective date, this would be the default effective date for the proposed initiative. Does this default effective date satisfy your intent? If not, you should include the desired effective date for the proposed initiative that is not earlier than the default effective date to comply with this constitutional requirement.

3. The proposed initiative states that "no plan may be modified for the 2028 election or thereafter". The other proposed initiatives submitted with this proposed initiative specify that "no plan may be modified for the 2028 congressional

election or thereafter”. Was the omission of the word "congressional" before "election," in this proposed initiative intentional? If so, why did you omit the word “congressional”? If the omission of the word “congressional” was an oversight, consider adding it to the proposed initiative.

4. The proposed initiative prohibits a modified congressional district plan from having the effect of "gerrymandering... to favor any political party". How is "gerrymandering" defined for the purposes of the proposed initiative?
5. Who is responsible for determining if a plan has the effect of gerrymandering to favor a political party?
6. Does the phrase "dividing communities of interest to favor any political party" prohibit any division of a community of interest, or does it only prohibit a division if that specific division also has the demonstrable effect of favoring a political party?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public meeting only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as follows:

The form of the proposed initiative does not raise additional technical comments.